

CPS violates these EVERY CASE

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THE RIGHTS-

The First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Thirteenth, and Fourteenth Amendments to the United States Constitution

The Statutes-

42 U.S.C. § 671(a)(15) Reasonable Efforts

42 U.S.C. § 671(a)(19) Relative Placement

Title 18, U.S.C., Section 241 Conspiracy Against Rights

Laws: Cases and Codes : U.S. Code : Title 18 : Section 241

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.

Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law

Laws: Cases and Codes : U.S. Code : Title 18 : Section 242

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Title 18, U.S.C., Section 245 Federally Protected Activities

Laws: Cases and Codes : U.S. Code : Title 18 : Section 245

1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

- a) A voter, or person qualifying to vote...;
- b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;
- c) an applicant for federal employment or an employee by the federal government;
- d) a juror or prospective juror in federal court; and

e) a participant in any program or activity receiving Federal financial assistance.

2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:

a) A student or applicant for admission to any public school or public College;

b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government;

c) an applicant for private or state employment, private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization or hiring hall;

d) a juror or prospective juror in state court;

e) a traveler or user of any facility of interstate commerce or common carrier; or

f) a patron of any public accommodation, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public and which is principally engaged in selling food or beverages for consumption on the premises.

3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

Title 18, U.S.C., Section 1001

Fraud and False Statements

- United States Code

- TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
 - PART I - CRIMES
 - CHAPTER 47 - FRAUD AND FALSE STATEMENTS

U.S. Code as of: 01/02/01

Section 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
 - (2) makes any materially false, fictitious, or fraudulent statement or representation;
- or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

18 USC Sec. 1203

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES

CHAPTER 55 - KIDNAPPING

Laws: Cases and Codes : U.S. Code : Title 18 : Section 1203

STATUTE

(a) Except as provided in subsection (b) of this section, whoever, whether inside or outside the United States, seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts or conspires to do so, shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

- United States Code TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
 - PART I - CRIMES CHAPTER 109 - SEARCHES AND SEIZURES

U.S. Code as of: 01/02/01

Section 2234. Authority exceeded in executing warrant

Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined under this title or imprisoned not more than one year. U.S.

Code as of: 01/02/01

Section 2235. Search warrant procured maliciously Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined under this title or imprisoned not more than one year.

Section 2236. Searches without warrant

Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling **without a warrant directing such search, or maliciously and without reasonable cause** searches any other building or property without a search warrant, shall be fined for a first offense not more than \$1,000; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any person -

- (a) serving a warrant of arrest; or
- (b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having **committed a felony**; or
- (c) making a search at the request or invitation or with the consent of the occupant of the premises.

More on Section 2236

Title 42 USC Section 1983

Laws: Cases and Codes : U.S. Code : Title 42 : Section 1983

Sec. 1983. - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action **at law, suit in equity, or other proper proceeding for redress**, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia



Title 42 USC Section 1983 Information

Title 42, U.S.C., Section 14141 Pattern and Practice

Laws: Cases and Codes : U.S. Code : Title 42 : Section 14141

This civil statute was a provision within the Crime Control Act of 1994 and makes it unlawful for any governmental authority, or agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

Whenever the Attorney General has reasonable cause to believe that a violation has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

Types of misconduct covered include, among other things:

1. Excessive Force
2. Discriminatory Harassment
3. False Arrest
4. Coercive Sexual Conduct
5. Unlawful Stops, Searches, or Arrests

FRAUD

- United States Code
 - TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
 - PART I - CRIMES
 - CHAPTER 47 - FRAUD AND FALSE STATEMENTS

Section 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation;
- or
- (3) makes or uses any false writing or document knowing the same to contain any

materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding. (OK for system to lie?)

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to -

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

 SHARE 

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Judiciary_{of} RHODE ISLAND

Supreme Superior Family District Workers Compensation Traffic Tribunal

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 **Family Court
Home**

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Family Court was created to focus attention on problems involving families and children.

Its goals are to assist, to protect, and if possible, to restore families whose unity or well-being has been or is threatened. This court also ensures that children within its jurisdiction receive the care, guidance, and control conducive to their welfare and the best interests of the state. If children are removed from their parents, the court also seeks to provide them with the equivalent of high-quality parental care.

Pretty rhetoric, but the reality is different.

By placing them in the home of someone who hates them!!

high-quality parental care is not being

Family Court has jurisdiction to hear all in a petitions for divorce and any motions in conjunction with divorce proceedings, such as property distribution, alimony, support, and child custody. It hears petitions for separate maintenance and complaints regarding support for parents and children. It has jurisdiction over matters relating to delinquent, wayward, dependent, neglected, abused, or mentally deficient or disordered children. It also has jurisdiction over adoptions, child marriages, paternity proceedings, and other matters involving domestic relations and juveniles.

day-care center all day long!

Appeals from Family Court decisions are taken directly to the Supreme Court.



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caregiver, somewhere along the line you surrendered your right to parent your child.

The following pages are to help all parents understand their rights in relation to raising their children. Having this knowledge will allow you to defend yourself and your child if ever required.

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Section 1 Controlling Law

Sections of the Constitutions where parental rights derive

The fundamental liberty interest of natural parents in the care, custody, and management of their child is protected by the Fourteenth Amendment. *Santosky v. Kramer* United States Supreme Court (1982)

The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by First, Fifth, Ninth, and Fourteenth Amendments. *Doe v. Irwin* United States District Court of Michigan (1977)

Tennessee's historically strong protection of parental rights and the reasoning of federal constitutional cases convince us that parental rights constitute a fundamental liberty interest under Article I, Section 8 of the Tennessee Constitution *Hawk v. Hawk* Tennessee Supreme Court (1993)

Parents have comparable interests under our state constitutional protections of liberty and privacy rights. "The right to the custody and control of one's child is a fiercely guarded right in our society and in our law. It is a right that should be infringed upon only under the most compelling circumstances." *Brooks v. Parkerson* Georgia Supreme Court (1995)

A parent's constitutionally protected right to rear his or her children without state interference, has been recognized as a fundamental "liberty" interest protect by the Fourteenth Amendment and also as a fundamental right derived from the privacy rights inherent in the constitution. *In re Smith* Washington Supreme Court (1998)

[A] parent's right to the care, custody, and control of his or her children is a fundamental right protected by article I, section 8 of the Iowa Constitution. *Santi v. Santi* Iowa Supreme Court (2001)

Parental Autonomy is the condition that exists when a child is not subject to a judge's jurisdiction

Parental autonomy is grounded in the assumption that natural parents raise their own children in nuclear families, consisting of a married couple and their

children. The family has been seen as the "basic building block" of society. Parental autonomy strengthens the family and the entire social fabric "by encouraging parents to raise their children in the best way they can by making them secure in the knowledge that neither the state nor outside individuals may ordinarily intervene." In re Smith Washington Supreme Court (1998) Note 1: We are aware of 1 parent outside of an intact married family receiving parental autonomy via a consent order. Wickman v. Dixon No.DR-96-1360.01C p.489. Note 2: Presumably parental autonomy exists in adoptive families with either one or two parents, and in natural parents who have sole custody with the other parent's rights terminated, so it is not tied to married parents.

Parental Rights are Fundamental Liberty Interests

The liberty interest at issue in this case -- the interest of parents in the care, custody, and control of their children -- is perhaps the oldest of the fundamental liberty interests recognized by this Court *Troxel v. Granville* United States Supreme Court (2000)

It is well-settled that parents have a liberty interest in the custody of their children. Hence, any deprivation of that interest by the state must be accomplished by procedures meeting the requirements of due process." *Hooks v. Hooks* United States Court of Appeals (1985)

Indeed, the right to rear one's children is so firmly rooted in our culture that the United States Supreme Court has held it to be a fundamental liberty interest protected by the Fourteenth Amendment to the United States Constitution. *Hawk v. Hawk* Tennessee Supreme Court (1993)

Parental Rights also contain Fundamental Privacy Interests

"[p]rivate realm of family life which the state cannot enter" *Prince v. Massachusetts* United States Supreme Court (1944)

Throughout this century, this Court also has held that the fundamental right to privacy protects citizens against governmental intrusion in such intimate family matters as procreation, child-rearing, marriage, and contraceptive choice. *Planned Parenthood of Southeastern Pennsylvania v. Casey* United States Supreme Court (1992)

Statutes and rulings that infringe upon fundamental rights are presumptively unconstitutional, and a substantial burden rests on the state, not citizen, to prove its case

It is well settled that, quite apart from the guarantee of equal protection, if a law "impinges upon a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional." *Harris v. McRae* United States Supreme Court (1980)

The application of strict scrutiny is not flexible at all, and I can find no case in this state where application of this standard has resulted in upholding the challenged law. With the adoption of strict scrutiny, this Court has forced the State of Tennessee into an "all-or-nothing" scenario, where only the most impeccably drafted legislation withstands the slightest possibility of darkening the

constitutional doorway. *Planned Parenthood of Middle Tennessee v. Sundquist* Tennessee Supreme Court (2000) Note: This citation goes beyond saying infringements on fundamental parental rights are presumptively unconstitutional, and clearly states essentially no legislative restrictions on parents will be upheld.

If the classification affects fundamental rights however, there is no presumption of constitutionality, and the classification will be sustained only if justified by a compelling state interest. *Coles v. Ryan* Illinois Appeals Court (1980)

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The Fourteenth Amendment guarantees Due Process and Equal Protection to all

"[n]o state shall deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" U.S. Const. Amend. XIV, § 1

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The state must meet a threshold prior to infringing upon fundamental rights

First, according to the Washington Supreme Court, the Constitution permits a State to interfere with the right of parents to rear their children only to prevent harm or potential harm to a child. Section 26.10.160(3) fails that standard because it requires no threshold showing of harm. *Troxel v. Granville* United States Supreme Court (2000)

The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in the State and Federal Constitutions" In re J.P. Utah Supreme Court (1982)

Likewise, following the analysis of the Tennessee Supreme Court in interpreting its state statutes and constitutions, we find that implicit in Georgia cases, statutory and constitutional law is that state interference with parental rights to custody and control of children is permissible only where the health or welfare of a child is threatened. *Brooks v. Parkerson* Georgia Supreme Court (1995)

For the constitutional requirement to be satisfied, before visitation can be ordered over the objection of the child's parents, a court must find an actual harm to the child's health or welfare without such visitation. *Williams v. Williams* Virginia Supreme Court (1998)

Examples of Tennessee's threshold standard

In 1993 in a grandparent visitation case the Tennessee Supreme Court held, "we believe that when no substantial harm threatens a child's welfare, the state lacks a sufficiently compelling justification for the infringement on the fundamental right of parents to raise their children as they see fit." *Hawk v. Hawk* Tennessee Supreme Court (1993)

In a 1995 parent vs. third party custody case, "Therefore, in a contest between a parent and a non-parent, a parent cannot be deprived of the custody of a child unless there has been a finding, after notice required by due process, of

substantial harm to the child. Only then may a court engage in a "best interest of the child" evaluation in making a determination of custody." In re Adoption of a Female Child Tennessee Supreme Court (1995)

In a 1999 parental rights termination case, "Therefore Bond stands for the proposition that a natural parent may only be deprived of custody of a child upon a showing of substantial harm to the child." In re Askew Tennessee (1999)

A July 2001 parental abuse case, "In furtherance of that goal, and in the best interests of Pamela due to a threat of substantial harm, the juvenile court ordered a termination of visitation." "Although parents' have a right to raise, care for and have the companionship of their child under both Tennessee and U.S. Constitutions, these rights can be infringed upon if the court finds substantial harm threatens a child's welfare." "The court made clear that there must be a threshold finding of harm before the state can intervene in a parent-child relationship; however, once this finding of harm to the child is made, a determination of custody is made based on the "best interest of the child". This threshold finding of substantial harm was made when Pamela was found by the juvenile court to be abused, dependent, and neglected and removed from the custody of her parents and placed in foster care." DCS v. Cox Tennessee Appeals Court (2001)

An August 2001 divorced parent v. parent case, "We believe the parents' constitutional right of privacy as found by our Supreme Court in Hawk is applicable here where we have two fit parents, even if those parents are now divorced. Additionally, we believe the constitutional rights under the Second Amendment of the United States Constitution as well as Article I, Section 26 of the Tennessee Constitution are worthy of the same protection as is the constitutional right to privacy discussed in Hawk. Accordingly, the Trial Court could not restrict Father's otherwise lawful possession of a firearm absent a showing of risk of substantial harm to the child. The Trial Court made no such finding." Stillwell v. Stillwell Tennessee Appeals Court (2001) Note: This may be the first and only U.S. case where a harm standard was applied to divorced parents.

A standardized threshold (bright-line rule) is needed

Many threshold terms are in use, and the best seems to be "severe harm". It has a proper sense of urgency which strikes a balance between too low of threshold terms such as "harm" which implies virtually no barrier, and too high of ones like "serious danger" implying an impossible hurdle. When combined with the designation as a "bright line rule" that cuts cleanly and clearly between the state and parents in all circumstances, a trial judge will have no problem properly applying family law to any circumstance that he or she faces.

The state may not apply the best interest of the child standard nor infringe in the parent-child relationship prior to proving that a child is in severe harm

We too, agree that neither the legislature nor a court may properly intervene in parenting decisions absent significant harm to the child from those decisions. In so holding, we approve the logic of Santosky v. Kramer which applied a two-step process to child neglect cases leading to foster family placement. In Santosky, the Supreme Court approved New York's bifurcated proceeding requiring the

stretches (weeks/months/years) where no parenting occurs, and other restrictions such as every other weekend visitation. All of these circumstances violate their own case law, "the language contained within the four corners of a statute is plain, clear and unambiguous, the duty of the courts is simple and obvious, 'to say sic lex scripta, and obey it.', and can be challenged on this basis.

Parental rights are identical between natural parents, without regard to gender or marital status

The Constitution protects "the interest of a parent in the companionship, care, custody, and management of his or her children." Stanley v. Illinois United States Supreme Court (1972)

"The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents." Johnson v. Calvert California Supreme Court (1993)

The Nales' position that this Court in Hawk limited the protection of parental rights to an "intact, nuclear family with fit parents" is untenable. Nale v. Robertson Tennessee Supreme Court (1994)

Parental Alienation

It is clear to this Court that both parents love their children. What concerns this Court most, however, and was apparently a concern to the trial court, is Wife's blatant attempt to alienate the affections of the children from their father. When loved by both parents, children should be taught to love and respect each parent equally. The reciprocation, in turn, will garner self-respect and a positive self image in the children. The record in this case lends absolutely no reason as to why the children should not be encouraged to respect and love their father. We do not find the record to show that Wife has supported such a healthy relationship between parent and child. Although Wife testified otherwise, her actions speak loud and clear. Varley v. Varley Tennessee Appeals Court (1996)

Effect on the parent-child relationship by being apart

Between parent and child, there is no monster like separateness. It can grow even faster than children, shutting first the heart, then the home, then history. Brooks v. Parkerson Georgia Supreme Court (1995)

Friendly Parent Doctrine

The Court stressed, the parent-child relationship "undeniably warrants deference and, absent a powerful countervailing interest, protection." Stanley v. Illinois United States Supreme Court (1972)

Custody and visitation arrangements should promote the development of a healthy relationship between children and both their parents. Solima v. Solima Tennessee Appeals Court (1998)

Parent vs. Third Party Custody

Therefore, in a contest between a parent and a non-parent, a parent cannot be

Not conditioning before the visit so that the child will not interact with his parents.

Section 2 Persuasive Arguments

Thus, apart from constitutional problems of using the best interest of the child standard without a prerequisite showing of harm, the vagueness and subjectivity of such a standard lends itself to an invasion of family privacy which is abhorrent to our current society. Kathleen Bean (1985-86) Grandparent Visitation: Can the Parent Refuse? Note: This statement is equally applicable to all invasions of the parent-child relationship.

The bible advises input from both parents; "Hear, my son, your father's instruction, and reject not your mother's teaching;" Proverbs 1:8 Revised Standard Version

Hubin, Donald (1999). Parental Rights and Due Process. University of Utah Journal of Law & Family Studies Volume 1 Number 2, 123-150. Note: The best article on unconstitutionality of family law.

See at:

http://www.cohums.ohio-state.edu/philo/people/faculty/hubin.1/Research/P_RDP.PDF

See Childs Best Interest website generally for useful information:
<http://childsbestinterest.org>

Section 3 Traps

When a legal action is initiated which involves a child, if a parent is not residing in the same home as the child, he or she will presumptively be considered as the non-custodial parent. The only way to avoid this trap is to not leave the home, or allow your child to be taken out of it.

When hiring an attorney, one of the first things they do is request financial information. This is because they are mentally figuring how much wealth they will be able to transfer to themselves.

At the filing of a legal action involving a child, if a temporary injunction is issued to maintain the status quo (keep the child under the care of one parent), the excluded parent will presumptively be considered as non-custodial. Any pre-trial orders which impede your ability to parent your child can be immediately appealed. If you wait for trial, you will waive your right to later raise these issues.

Pre-trial if a parent consents to pay child support, the judge and both attorneys will take this as a signal that he or she agrees to be the non-custodial parent.

Any consent order a parent agrees to (even if it comes after a contested hearing) cannot be appealed. You do not have to "consent" to anything, even if your attorney says otherwise. Remember, attorneys are officers of the court, and quite possibly friends with the judge and opposing attorney. They are required to zealously represent you, and to uphold the constitution. Expect neither.

Normally an investigation of the parents will be done. This can be anything from a college volunteer working for CASA, an attorney called a Guardian Ad Litem, a

private investigator, up to a pediatric psychologist. The job of all these folks is to invade the privacy of your relationship with your child, and transfer as much wealth as possible to themselves. Also you will either be encouraged or mandated to attend counseling, to achieve the same goals. Using the above constitutional citations you can object to any invasion of your privacy and your child's. If you fail to object, you waive your rights.

At trial your attorney can have a pre-trial brief prepared which carefully identifies the applicable laws and how your case applies to those laws (including of course constitutional law). Very few attorneys will do this. Most will present your case with no reference to any laws whatsoever, and simply allow the judge to rule as he or she wishes.

Also at trial both parents are considered to be voluntarily submitting the question of child custody to the court. Your attorney can assert that you do not want custody of your child decided by the state. If you don't do this, it will be considered waived for appeal purposes, as will any applicable state and constitutional laws not raised by your attorney in his or her oral arguments.

If you ask that the law be followed in your case, expect intimidation tactics such as your attorney threatening to resign, or being told visitation with your child will be reduced. If any of this happens, request a brochure or other method whereby you can file a complaint with your state board of responsibility against the unlawful attorney. To make a complaint call: 1-800-486-5714

If you receive an unfavorable decision at trial, your attorney can file a motion to reconsider, or a notice of appeal. If you are appealing there are strict time limits on this, which if not followed will cause your case to be thrown out. If you consent to anything at trial, it will not be appealable.

Appeals are usually taken to a state appellate court, then if needed an application is filed to your state supreme court (they may be called another name). The state supreme court has discretion whether to take your case or not, and they probably won't take it. If your state supreme court does not give you a favorable ruling, you can appeal properly preserved constitutional questions to the United State Supreme Court, which virtually never takes a family law case. Wherever your case finally stops, it will be considered final.

Section 4 Legal Primer

There are three types of law, constitutional, statutory, and case. Constitutional law is primarily what this paper consists of, it is written by the people, and everyone must follow it. Statutory law is created by your state legislature, and the judges and all citizens must follow it as written. Case law is the judge's interpretation of how constitutional and statutory law apply to individual cases. Most libraries will have copies of your state constitution, and statutory laws.

Solima v. Solima 7 S.W.3d 30, at 33 (Tenn.App.1998)

Being able to read case citations is very important as this enables you to look up and verify the original. In the above example the "style" of the case is Solima v. Solima, and these of course are the two parties at odds.

The next part 7 S.W.3d 30 tells you the original decision is contained in the "SouthWest" reporters. If you are unable to find them yourself, the law school librarian can show you where they are at. 7 is the volume number, 3d means third edition, and 30 is the page the case begins on. The at 33 is the specific page where the quote you are referring to is at, and (Tenn.App.1998) tells you the court that issued the decision and year it did so. If you see a case citation that has only the year listed without any court, such as (2000), that is a decision from the U.S. Supreme Court. NY or Utah would be a state supreme court, U.S.D.C. is a federal court, and U.S.C.A. is a federal appeals court.

If you are starting from scratch and don't have a case citation, ask the librarian where the "digests" for your state, or the "Corpus Secundum" are. These allow you to start with a subject, such as "constitutional law", and look up all of the cases cited in that area.

Summary

Parental rights consist of fundamental liberty and privacy interest, which the state can only infringe upon after finding a child is in severe harm, or severe danger of being harmed. You must properly assert your rights at every stage of litigation, or forever waive them, and your ability to parent your child.

As a final note constitutional rights in general, and parental rights in particular, are being regularly eroded. Amendments to the U.S. and state Constitutions must be enacted to reverse this.

Daniel Lee ACFC Associate Director

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+++++ Children Need BOTH Parents!

The American Coalition for Fathers and Children

For Membership information call 1-800-978-DADS or see ACFC's homepages at: <http://www.acfc.org>

To subscribe send a message to: acfclist@usa.net Message in subject line: subscribe acfc

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The ACFC List Serve provides timely information to fathers, second wives, and others seeking restoration of fatherhood in America and the world. ACFC does not endorse or approve the views or opinions expressed by contributors, which have been provided only as a service to our list serve subscribers.

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Form **COL****Violation Warning**
Denial of Rights Under Color of Law

► Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

Wenceslao & Cibeles González
P.O. Box 23078, Providence R.I. 02903

Name and address of Notice Recipient

DCYF (Department of children, Youth,
& Families) Family Court
101 Friendship Street Judicial complex
Providence, R.I. 02903 one downtown plaza

Citizen's statement: Our children (two sons) were taken away from us without an investigation in Spain on December 19th 2008, due to the false accusations of Ana Dickenson. The children were deported to the U.S. to impede a trial in Spain, and given to Ana. We have been denied due process, and all our rights as parents have been trampled despite our numerous protestations.

I certify that the forgoing information stated here is true and correct.

Citizen's signature

Wenceslao & Cibeles González

Date ► December 21st 2010**Legal Notice and Warning**

Federal law provides that it is a crime to violate the Constitutional Rights of a citizen under the Color of Law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to **coerce** or **deceive** a citizen to surrender his **Constitutional Rights** is a **Federal Crime**. Federal Courts have found that your ignorance of the law is no excuse.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages. Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, _____ certify that I personally delivered this notice to above named recipient and address on _____ at _____ (am/pm).